

Hsia Ser. No. 10/068,190

G.A.U. 2855

RemarksResponse to Numbered Section 3 of Detailed Action

Reconsideration of the rejection of Claims 1, 2, 5-10, 12-15, and 18 under 35 USC 102(b) as anticipated by Yamakado et al. '458 is respectfully requested for the following reasons.

The reasoning given in the second paragraph of Section 3 makes certain assertions regarding the reference teachings. Regardless of whether those assertions are correct or incorrect, we respectfully point out that they are not in the context of a diagnostic tool for testing fuel injectors and their driver circuits. It appears that the Examiner may have mistakenly assumed items 100, 100a to be diagnostic tools, while equating items 1 and 1a to driver circuits connected to the tools. To the contrary, we respectfully submit that one of ordinary skill in the fuel injection art would perceive items 100, 100a, not items 1 and 1a, as the driver circuits (especially in light of the instant disclosure) and would understand items 1 and 1a to be triggering circuits for the driver circuits. If items 100, 100a were diagnostic tools they would surely have been described as such, with the description mentioning that when the diagnosis is complete, they are disconnected so that the fuel injectors can be re-connected directly to items 1, 1a and the batteries. If such a re-connection were made, the schematics suggest that they would be inoperable - notice the polarities - further contradiction of the rejection!

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Moreover, and as confirmation that items 100, 100a would not even be equivalent to a diagnostic tool, those items contain no form of load simulating a load imposed by a fuel injector, and indeed we have observed that the Examiner has apparently relied on the spring member 18, which is in the fuel injector itself and not 100 or 100a, as the simulated load.

Consequently, none of these rejected claims is seen to read on the reference because the reference does not disclose any diagnostic tool at all. Withdrawal of the rejection is submitted to be proper and is respectfully requested.

Response to Numbered Section 5 of Detailed Action

Reconsideration of the rejection of Claims 3, 4, 11, 16, 17, and 19-21 under 35 USC 103(a) as unpatentable over Yamakado et al. in view of Hart et al. '362 is respectfully requested for the following reasons.

Given the above remarks pointing out that the primary reference discloses no diagnostic tool, the references do not suggest their combination, and for that reason this rejection is submitted to be in error. Withdrawal of the rejection is submitted to be proper and is respectfully requested.

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Request For Confirmation of Approval of Drawings


The Official Action failed to acknowledge the formal drawings that were filed on or about 08 April 2003. Please confirm approval of those drawings in the next communication.

Conclusion

Please continue to direct correspondence to the attorney of record. However, any questions regarding the content of this paper should be directed to the undersigned.

Contingent Deposit Account Authorization

While no fee is believed due in connection with the filing of this paper, any fee lawfully determined by the Commissioner to be due with its filing may be charged to Deposit Account No. 14-0603.

Respectfully submitted,

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